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January 24, 2000

BY HAND

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Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W. - Suite TW-A325  
Washington, D.C. 20554

JAN 24 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: WT Docket No. 99-168  
*Ex Parte Presentation*  
Service Rules for the 746-764 and 776-794 MHz Bands,  
And Revisions to Part 27 of the Commission's Rules

Dear Ms. Salas:

On January 21, 2000, Mike Farmwald and Arvin Shahani of FreeSpace Communications (FreeSpace), Ruth Milkman and Charles Logan of Lawler, Metzger & Milkman, and Janice Obuchowski of Freedom Technologies, Inc. met with Julius Knapp of the Office of Engineering and Technology. In addition, on this same date, Mike Farmwald, Arvin Shahani, Charles Logan and Janice Obuchowski met with Thomas Sugrue, Kathleen Ham, and Marty Liebman of the Wireless Telecommunications Bureau. In these presentations, FreeSpace discussed its guard band proposal in this proceeding. This proposal is summarized in the attached slide presentation and described in detail in the comments FreeSpace filed in this proceeding on January 18, 2000.

FreeSpace reiterated its position that its proposed guard band rules would provide effective and enforceable interference protection for adjacent-band public safety operations. FreeSpace confirmed to the Commission staff that it supports a requirement that guard band licensees obtain type acceptance of their system equipment to ensure compliance with these interference safeguards prior to commencing operations in the guard bands. FreeSpace also emphasized during these presentations that it would be arbitrary for the Commission to prohibit guard band licensees from using cellular-like architectures. FreeSpace also urged that the Commission adopt rules that permit guard band licensees to aggregate all 6 MHz of guard band spectrum.

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Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter and enclosure are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Logan", with a long horizontal flourish extending to the right.

Charles W. Logan

cc:     Thomas Sugrue           Kathleen Ham  
         Marty Liebman           Julius Knapp

Enclosure

# FREESPACE COMMUNICATIONS

*Ex Parte Presentation*

January 20, 2000

Service Rules for 746-764/776-794 MHz Bands

WT Docket No. 99-168

## **Service-Neutral Technical Rules for the Guard Bands Will Promote Substantial Public Benefits**

- Offer third option for high speed internet access to residential consumers.
- Promote broadband deployment in underserved areas, including rural areas and tribal lands.
- Promote entry by small businesses and entrepreneurs using cutting-edge technology.
- Promote open auction, and maximize efficient use of the spectrum.

## FreeSpace's Proposed Rules Would Provide Effective Protection for Public Safety and Are Superior to Other Proposals

- Proposal incorporates comprehensive package of stringent power and emissions limits as well as frequency coordination procedures that provide effective protection for public safety.
- Significantly superior to private radio guard band proposal.
- Also provides 10X greater protection to public safety than CMRS units operating in 30 MHz bands segments under rules adopted in *First R&O*.

## Service-Neutral Rules Can Be Implemented and Enforced Effectively

- FreeSpace's proposal sets forth clear, generally applicable rules that would require all commercial licensees in the guard bands to prevent interference to public safety.
- The proposed rules would require the guard band licensees to shut down base stations that cause interference to public safety.
- FreeSpace does not object to 2 sets of service-neutral rules, one for low-power systems and one for high-power, limited deployment systems.

## **The FCC Should Not Prohibit Guard Band Licensees from Using Cellular Architectures**

- CMRS units operating in 30MHz band segments will be deployed in intensive, cellular architectures.
- *First R&O* found that these CMRS units, operating under OOB and power limits, “will adequately protect public safety.”
- Guard band licensees, operating under the much more stringent power and OOB limits proposed by FreeSpace, will provide equal or superior protection.
- For example, a FreeSpace or similar cellular system operating in the 30 MHz segments (vs. the guard bands) has a *greater* probability of causing interference to public safety units because of the more relaxed OOB limit that would apply.

## Other Issues

- FCC Should Permit Guard Band Licensees to Aggregate all 6 MHz of Guard Band Spectrum.
  - Promotes broadband uses and viable commercial operations in the guard bands.
- FCC Should Not Impose Eligibility or Use Restrictions in the Guard Bands.